

**ZONING BOARD OF APPEALS**

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ZBA 2009-49
Petition of John Sullivan
21 Alden Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 6, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOHN SULLIVAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 12 foot by 16.2 foot screened porch with less than required front yard setbacks, on a 12,503 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 21 ALDEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 20, 2009 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was John Sullivan (the "Petitioner") Also present was Lisa Sullivan.

Mr. Sullivan said that there is a screened porch that is original to the house. He said that they would like to enclose the porch and convert it to a den.

Mr. Sullivan said that one corner of the porch is .3 feet short of the 30 foot setback.

The Board said that the required plans should show existing and proposed plans and elevations to give the Board a sense of what the structure will look like. The Board said that the construction drawing that was submitted has limited information. Mr. Sullivan said that he did not submit more detailed plans because the porch is already there. The Board said that it has to make a finding that the proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Sullivan said that the plan is to enclose the porch, add windows and a door to the outside.

The Board said that no information was submitted for plumbing, electrical and heating for the porch. Mr. Sullivan said that the porch will have heat and electricity. Ms. Sullivan said that there is electricity for the existing porch.

The Board said that the dimensions on the construction drawing do not match the dimensions on the plot plan.

The Board voted unanimously to continue the petition to September 10, 2009.

September 10, 2009

Presenting the case at the hearing were John and Lisa Sullivan. Mr. Sullivan said that new plans were submitted showing the window fenestration and the location of the proposed lighting.

The Board asked if there will be a conflict with the direct vent gas fireplace on the rear elevation and the eaves. Mr. Sullivan said that the fireplace will be vented through the wall unless the Building Inspector tells him to vent it through the roof. He said that it is a slate roof so he would prefer to vent the fireplace through the wall.

Mr. Sullivan said that there will a strip of molding between the columns on the rear elevation to break up the blank wall.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 21 Alden Road, on a 12,503 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, with minimum front yard setbacks of 29.7 feet and 28.9 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing 12 foot by 16.2 foot screened porch with less than required front yard setbacks, on a 12,503 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/9/09, stamped by Bradley Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans, dated 7/1/09, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/27/09, prepared by Coles Design, and photographs were submitted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that enclosure of an existing 12 foot by 16.2 foot screened porch with less than required front yard setbacks, on a 12,503 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing 12 foot by 16.2 foot screened porch, in accordance with the submitted plot and revised construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm